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## Condominium Association Hurricane Preparations

Florida Statute imposes special obligations upon condominium associations to protect the community. To prevent inconsistencies and avoid unnecessary liability, Boards of Directors must consider their hurricane protection policies and adopt appropriate guidelines and standards. According to Fla. Stat. § 718.113(5), every residential condominium association *is required* to adopt hurricane shutter specifications that are code compliant. The adopted specifications should detail the color, style, and type of shutters permitted. If a member wishes to install shutters, impact glass, code-compliant windows or doors, or other types of compliant protection conforming to the specifications adopted by the Board, the Board may not refuse an owner's request to install such hurricane protection devices.

To ensure uniformity and protect of the condominium building, the Board may, subject to the approval of the majority of the voting members, install shutters, impact glass, code-compliant windows and doors. Conversely, if the Declaration of Condominium ("Declaration") specifically charges the association with maintenance, repair, and replacement of hurricane protection devices, a vote of the members is not necessary to install such devices. If hurricane protect devices such as laminated glass and window film has been installed as part of the condominium building's architecture, the Board may not install additional shutters, impact glass, or other devices without a majority vote.

Installation of the hurricane protection devices is a costly endeavor. Costs for installation of these devices is governed by the Declaration. The costs are common expenses if provided by the Declaration, or billed to the individual owner if the Declaration mandates as such. Similarly, maintenance and repair obligations of hurricane shutters, glass, windows, and doors are controlled by the association's Declaration. If the Declaration tasks the association with maintenance and repair obligations, it must do so. If the Declaration charges owners with maintenance and repair responsibilities of the specific hurricane protection devices, it will be their responsibility.

Florida Statute also provides for owners who have previously installed their own hurricane protection devices. If the association undertakes the task of installing uniform building-wide devices, whether it be windows, doors, or shutters that a unit owner has already

installed, that owner shall receive a credit against any assessment levied for the installation. This provision only applies for like protection devices. In other words, if the association installs impact glass throughout the building, the owner will only receive credit if impact glass was already installed. If the association seeks to install impact glass and the owner has installed shutters, the owner will not receive credit.

The rules detailed above do not apply to homeowner associations. If an association wishes to control the types of hurricane shutters used in the community, there must be specific provisions in the Declaration, or the Board must have specific rule making authority over owners' lots. As always, any rules must be reasonable. Homeowner associations that do have authority to regulate shutters may want to consider setting timeframes as to when the shutters may be applied and when they must be removed following a hurricane.

If your condominium or homeowner association requires advice concerning Florida Statute regarding hurricane protection, please do not hesitate to contact our office.



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